

2100 Pennsylvania Avenue, NW  
Washington, DC 20037-3213T 202.293.7060  
F 202.293.7860

www.sughrue.com

RECEIVED  
CENTRAL FAX CENTER

OCT 16 2007

FAX

Date October 16, 2007

To Examiner Susan S. Lee Group: 2852

Of U.S. Patent and Trademark Office

Fax (571)273-2137

From Andrew J. Taska Reg. No. 54,666

Subject Terminal Disclaimer

Our Ref Q84094 USSN 10/510,979 Conf: 8751

Pages 2

(including cover sheet)

Please call attention to problems with this transmission by return fax or telephone. Thank you.

THE INFORMATION CONTAINED IN THIS COMMUNICATION IS CONFIDENTIAL, MAY BE ATTORNEY-CLIENT PRIVILEGED, AND IS INTENDED ONLY FOR THE USE OF THE ADDRESSEE. UNAUTHORIZED USE, DISCLOSURE OR COPYING IS STRICTLY PROHIBITED AND MAY BE UNLAWFUL. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US.

Dear Examiner Lee:

Further to our teleconference today, please find attached herewith a corrected Terminal Disclaimer.

Please feel free to contact me if you have any questions or comments.

Respectfully submitted,

Andrew J. Taska  
/mlv

**OCT 16 2007**

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE  
 PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket  
Number

Q84094

In re Application of: Ken YOSHIKURA, et al.

Application No.: 10/510,979

Filed: June 14, 2005

For: IMAGE FORMING APPARATUS, DEVELOPING UNIT, AND COMPUTER SYSTEM

The owner\*, SEIKO EPSON CORPORATION, of one hundred percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/514,991, filed on September 29, 2005, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

/Andrew J. Taska/

Signature

October 16, 2007

Date

Andrew J. Taska

Typed or printed name

54,666

Reg. No.

202-293-7060

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) or authorization to charge said fee to Deposit Account No. 19-4880 is included.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
 Form PTO/SB/96 may be used for making this statement. See MPEP § 324.